

Senate File 545 - Introduced

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1052)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the department of corrections by increasing
2 penalties for engaging in sex acts with offenders under the
3 supervision of the department of corrections or a judicial
4 district department of correctional services, and eliminating
5 certain reporting requirements.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1265SV 82
8 jm/es/88

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1 1 Section 1. Section 709.16, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. An officer, employee, contractor, vendor, volunteer, or
1 4 agent of the department of corrections, or an officer,
1 5 employee, or agent of a judicial district department of
1 6 correctional services, who engages in a sex act with an
1 7 individual committed to the custody of the department of
1 8 corrections or assigned to a judicial district department of
1 9 correctional services commits an aggravated misdemeanor.
1 10 Sec. 2. Section 709.16, Code 2007, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 1A. A contractor, vendor, or volunteer of
1 13 a judicial district department of correctional services, who
1 14 engages in a sex act with an individual assigned to the
1 15 judicial district department of correctional services and who
1 16 is under the dominion and control of the contractor, vendor,
1 17 or volunteer, commits an aggravated misdemeanor.
1 18 Sec. 3. Section 709.16, Code 2007, is amended by adding
1 19 the following new subsection:
1 20 NEW SUBSECTION. 4. A peace officer who engages in a sex
1 21 act with an inmate, prisoner, arrestee, detainee, or a person
1 22 under the dominion and control of the peace officer, while
1 23 acting within the scope of the duties of the peace officer,
1 24 commits an aggravated misdemeanor.
1 25 Sec. 4. Section 904.501, Code 2007, is repealed.

EXPLANATION

1 27 This bill relates to a sex act committed with a person
1 28 assigned to the judicial district department of correctional
1 29 services or a person under the dominion and control of a peace
1 30 officer, and eliminates certain reporting requirements.
1 31 The bill provides that a contractor, vendor, or volunteer
1 32 of a judicial district department of correctional services
1 33 facility who engages in a sex act with a person under
1 34 supervision of the district department commits an aggravated
1 35 misdemeanor. Current law prohibits a sex act between an
2 1 officer, employee, or agent of the judicial district
2 2 department of correctional services and a person under
2 3 supervision of the district department or department of
2 4 corrections.
2 5 The bill also provides that a peace officer who engages in
2 6 a sex act with an inmate, prisoner, arrestee, detainee, or
2 7 person under the dominion and control of the peace officer,
2 8 while acting within the scope of the duties of the peace
2 9 officer, commits an aggravated misdemeanor.
2 10 A person who violates the bill is subject to a special
2 11 sentence as provided in Code section 903B.2.
2 12 The bill also repeals Code section 904.501 requiring the
2 13 superintendent of each institution to issue a report to the
2 14 director of the department of corrections regarding inmate
2 15 entrance and discharge information.

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